



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

October 12, 2021

VIA ECF

Hon. Lewis J. Liman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *Lin v. Mayorkas, et al.*, No. 21 Civ. 6723 (LJL)**

Dear Judge Liman:

This Office represents the government in the above-referenced action in which the *pro se* plaintiff seeks an order directing U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate her Notice of Appeal or Motion (“Form I-290B”) from the denial of her Application to Register Permanent Residence or Adjust Status (“Form I-485”). The Court has scheduled an initial pretrial conference for October 15, 2021 at 11:00 a.m. *See* ECF No. 6. The government’s response to the complaint is due today. However, USCIS adjudicated the plaintiff’s Form I-290B on September 24, 2021, and the undersigned is in the process of contacting the plaintiff regarding the status of this case in light of that adjudication. I write respectfully to request that the Court adjourn the October 15 conference and the government’s response to the complaint *sine die*.

The government respectfully submits that USCIS’s adjudication of the plaintiff’s Form I-290B has rendered this case moot because the plaintiff has already obtained the relief requested in the complaint. *See Scott v. Fields*, No. 20-cv-810 (LJL), 2020 WL 7080333, at \*2 (S.D.N.Y. Dec. 3, 2020) (applying the mootness rule where the petitioner had received the relief sought in his petition). As a result, it is the government’s view that this case should be dismissed. Towards that end, on September 29, 2021, the government sent the plaintiff a copy of USCIS’s September 24 decision (which I understand USCIS also sent to her under separate cover) via Federal Express, together with a proposed stipulation and order of dismissal and the contact information of the undersigned in the event she would like to discuss the status of this case in light of USCIS’s adjudication of her Form I-290B. The plaintiff has not yet responded to the government’s letter, and her filings do not contain a means to contact her other than through her mailing address.


The requested adjournment and extension are requested to allow additional time to determine whether this case can be resolved by stipulation. For the reasons stated above, I have been unable to contact the plaintiff to obtain her position regarding whether she consents to these requests. However, the government respectfully submits that these requests are in the interests of efficiency and conservation of judicial and party resources. If the Court grants the requests, the undersigned will provide an update to the Court no later than thirty days from today, including regarding whether a motion to dismiss on grounds of mootness will be necessary.

I thank the Court for its consideration of these requests.

GRANTED IN PART AND DENIED IN PART.  
The Court adjourns the Government's response to the complaint sine die. The Initial Pretrial Conference previously set for October 15, 2021 is rescheduled to November 5, 2021 at 11:00AM. Parties are directed to dial into the Court's teleconference line at 888-251-2909 and use access code 2123101.

The Clerk of Court is respectfully directed to mail a copy of this endorsement to the Plaintiff. In addition, the Defendant is directed to notify Plaintiff of the new conference date.

10/13/2021 SO ORDERED.

  
LEWIS J. LIMAN  
United States District Judge

cc: Yanbin Lin, plaintiff, *pro se* (by Certified Mail)

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney  
Southern District of New York

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